



6-10-05

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EXPRESS MAIL LABEL NO.: EV 518898066 US

PATENT

Attorney Docket No. 28791-704.201

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application)	<u>PATENT APPLICATION</u>
)	
Inventor(s): Roger A. Stern, et al.)	
)	Art Unit: 3737
Application No.: 10/754,444)	
)	Examiner: Unassigned
Filed: January 9, 2004)	
)	
Title: <u>DEVICES AND METHODS FOR</u>)	
<u>TREATMENT OF LUMINAL TISSUE</u>)	

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97

Sir:

Applicants hereby submit an Information Disclosure Statement along with attached form(s) PTO/SB/08. A copy of each listed publication is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. Applicants further request that the Examiner initial and return the attached form(s) PTO/SB/08 in accordance with MPEP §609.

Applicants reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- ☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
- ☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)
-- OR --
- ☐ (2) It is being filed within 3 months of entry of a national stage
-- OR --
- ☒ (3) It is being filed before the mail date of the first Office Action on the merits
-- OR --
- ☐ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.
- ☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:
- ☐ a certification as specified in §1.97(e) is provided below; or
- ☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:
- A. a certification as specified in §1.97(e) is completed below; and
- B. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- ☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.
- ☒ Copies of references listed on the attached Form PTO/SB/08 are enclosed herewith EXCEPT THAT:
- ☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No.), copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- ☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed.)

- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), submitted in accordance with MPEP 609 D in support of the attached certification under 37 CFR 1.97(e)(1).
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.: 28791-702.502).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: _____

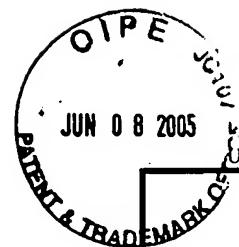
June 8, 2005

By: _____

Christina Jhot

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(650) 493-9300
Customer No.: 021971



TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/754,444
		Filing Date	January 9, 2004
		First Named Inventor	Roger A. STERN
		Art Unit	3737
		Examiner Name	Unassigned
Total Number of Pages in This Submission	6	Attorney Docket Number	28791-704.201

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Other Enclosure(s) (please identify below): return receipt postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT	
Firm or Individual name	Christiana State, Reg. No. 52,045, WILSON SONSINI GOODRICH & ROSATI
Signature	<i>Christiana S. Sub</i>
Date	<i>June 8, 2005</i>

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	<i>Nguyen B. Ngp</i>		
Signature	<i>Nguyen B. Ngp</i>	Date	<i>June 8, 2005</i>

This collection of information is required by 37 CFR 1.3. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 37 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the paperwork Reduction Act of 1995, no persons required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/754,444
				Filing Date	January 9, 2004
				First Named Inventor	Roger A. Stern
				Art Unit	3737
				Examiner Name	Unknown
Sheet	1	of	2	Attorney Docket Number 28791-704.201	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1	US-4,640,298	02-03-1987	Pless	
	2	US-5,056,532	10-15-1991	Hull	
	3	US-5,522,815	06-04-1996	Durgin	
	4	US-5,336,222	08-09-1994	Durgin	
	5	US-5,833,688	11-10-1998	Sieben	
	6	US-6,179,836	01-30-2001	Eggers	
	7	US-6,325,800	12-04-2001	Durgin	
	8	US-6,432,104	08-13-2002	Durgin	
	9	US-6,695,764	02-24-2004	Silverman	
	10	US-6,752,806	06-22-2004	Durgin	
	11	US-2002/0111623	08-15-2002	Durgin	
	12	US-2002/0147447	10-10-2002	Long	
	13	US-2002/0177847	11-28-2002	Long	
	14	US-2003/0181900	09-25-2003	Long	
	15	US-2003/0181905	09-25-2003	Long	
	16	US-2003/0216727	11-20-2003	Long	
	17	US-2005/0096713	05-05-2005	Starkebaum	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
	18	WO 99/35987	07-22-1999	Con-Way-Stuart Medical, Inc.		
	19	WO 00/01313	01-13-2000	Vnus Medical Technology, Inc.		
	20	WO 00/66021	11-09-2000	Curon Medical, Inc.		
	21	WO 01/35846	05-25-2001	Ganz, et al.		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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				Application Number	10/754,444	
				Filing Date	January 9, 2004	
				First Named Inventor	Roger A. Stern	
				Art Unit	3737	
				Examiner Name	Unknown	
Sheet	2	of	2	Attorney Docket Number		28791-704.201

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	22	SALAMEH, Fadi, et al., "An animal model study to clarify and investigate endoscopic tissue coagulation by using a new monopolar device" <i>Gastrointestinal Endoscopy</i> (2004) 59(1): 107-112.	
CO-PENDING/PUBLISHED/ISSUED PATENT MATTERS			
	23	US-2003/0158550 published on 08-21-2003 Ganz,, et al. (WSGR Reference No. 28791-702.401)	
	24	US-2004/0087936 published on 05-06-2004 Stern, et al. (WSGR Reference No. 28791-702.501)	
	25	US-2004/0215235 published on 10-28-2004 Jackson, et al. (WSGR Reference No. 28791-702.503)	
	26	US-2004/0215296 published on 10-28-2004 Ganz, et al. (WSGR Reference No. 28791-702.502)	
	27	US-6,551,310 issued on 04-22-2003 Ganz, et al. (WSGR Reference No. 28791-702.201)	

Examiner signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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